

**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE ATHLETIC COMMISSION
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER
NASHVILLE, TN 37243**

Friday, November 14, 2008

Call to Order at 1:11 p.m. by Chairman Jack Sammons.

In attendance were Steve Majchrzak, Assistance Commissioner Regulatory Boards, Wayne Pugh, Deputy General Counsel, Commissioners Teri Mast, Neal Frauwirth, M.D., Joe Smith, Stuart Howard, and Steve Hannah, Leslie Bridges from AG office, Nicole Canter for minutes. Commissioner Chuck Clark via teleconference, Commissioners Kurt Spindler M.D. and Scott White absent.

Approve minutes of September 30 and October 9 meetings. Motion by Commissioner Smith, second by Commissioner Hannah, motion carried.

Set Meeting Calendar for December 2008 and all 2009 without objection, all meetings will be conducted on second Thursdays of each month in 2009. Meetings will be located in Room 160 of Davy Crockett Tower unless otherwise notified.

Update on November 15th HBO Boxing Event by Steve Majchrzak. Thanks to Commissioners Smith and Frauwirth for help with event and liaison between ABC. Weigh-in is today @ 2:30, the bout is at 8:00 tomorrow night. The event is being regulated by ABC with on-site personnel. Seven inspectors from Department will be in attendance, and three from ABC.

Approval of Forms/Review Drug Testing Policy

The Commission reviewed drafts of forms. Commissioner Smith moved to amend the Application for Event Permit to include page 2 ("Recommended for Ring Officials") as part of the application and approve application. Commissioner Frauwirth seconded the motion. It passed unanimously.

Commissioner Frauwirth suggested amending the Boxer's Pre-Fight Physical Examination Report to include an option to choose type of fighter. Commissioner Howard moved to amend the title of the form to "Combatant's Pre-Fight Physical Examination Report" and approve form, Commissioner Hannah seconded. Motion passed unanimously.

Commissioner Smith moved to approve the Gross Receipts Privilege Tax Report, Commissioner Hannah seconded the motion. It passed unanimously.

Commissioner Hannah moved to approve the Physician's Report, Commissioner Mast seconded. It passed unanimously.

Commissioner Hannah moved to approve Post-Bout Evaluation form after amending to read that suspension is medical in nature, rather than suspending the combatant's license. Commissioner Smith seconded the motion and it passed unanimously.

Drug-Testing Policy update from Steve Majchrzak. The Department on behalf of the Commission has entered into a contractual arrangement for the initial events for a representative from testing agency. There is a basic panel and an additional separate panel for performance-enhancing drugs. The basic panel costs \$49; the combined basic and additional panel \$229. Previously the commission decided to absorb the cost of drug testing.

The commission discussed how often and at what point each combatant should be tested and for which panel or both. The commission also discussed whether or not Department inspectors should be trained to assist in the drug-testing process, in the interest of economy. The commission will revisit these issues at a later date.

Personnel Committee Update by Steve Majchrzak. The committee is in the process of reviewing resumes. The commission would like the committee to narrow the slate of candidates to 3 to 5 people to be introduced at the December 11, 2008 meeting before the full commission.

The commission tasked Scott White with coordinating hiring and reporting back to the commission with a short list of candidates on December 11, 2008. The candidates will be invited to attend.

Status of Emergency Rules/Notice of Rulemaking per Wayne Pugh. The emergency rules were filed with the Secretary of State on November 7, 2008, and are effective 165 days, through April 21, 2009.

Commissioner Smith moved to notice a rulemaking hearing set for February 2009. Commissioner Hannah seconded, and the motion passed unanimously.

Staff Reports/Updates by Steve Majchrzak. During the last meeting the instruction from the commission was to expedite moving forward with events. Per that instruction, the department created forms and has designated personnel.

Wayne Pugh and Leslie Bridges updated discussion from the last meeting regarding State employee immunity. The State constitution prevents the commission from indemnifying anyone, and also cannot contract anyone. In short, the commission cannot indemnify outside party.

Leslie Bridges discussed sovereign immunity – immunity from suits brought by its citizens unless State abrogates immunity. For commission to enter into a contract would

be an unauthorized abrogation of the immunity. Second, the commission cannot be held harmless and is prohibited from entering into contracts with an indemnification clause. Basically, can't indemnify anyone from other states coming in to regulate events. The commission is free to contract with WKA, ISKA, etc. But it cannot provide indemnification or immunity clause in contract per State constitution.

Amateur Sanctioning Committee Update by Commissioner Hannah. After the report and discussion, the commission tabled a decision on charging a application and/or permit fee for amateur MMA events. Leslie Bridges provided information regarding the definition of school as interpreted in state law. The statute does not define school. Context of statute is higher education, junior/high school, etc. But legislative history does not refer to MMA schools as private business either. Drafters of statute did not intend to exempt those schools. NCAA controls university athletics, TSSAA controls high school. Those entities protect amateurs in those settings. AG Bridges feels the legislative intent is pretty clear. She would be comfortable in defending commission in that area.

New Business

The commission has collected revenue from the July 2008 Sommet Center event, as well as pay-per-view proceeds.

Public Comment by

Freddie Boges Spring Hill 3:48 – 3:53

Eric Chester Clarksville 3:53 – 3:54

Ray Casias Nashville 3:54 – 3:56

Adjourn at 3:57 p.m.